

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAMON SIMPSON,

Defendant.

8:18-CR-333

**ORDER GRANTING “MOTION
SEEKING EXTENSION OF TIME IN
WHICH TO FILE MEMORANDUM IN
SUPPORT OF 28 U.S.C. §2255 MOTION”**

On June 30, 2021, this Court sentenced Defendant Ramon Simpson to a term of life imprisonment following his convictions for kidnapping resulting in death and conspiracy to commit kidnapping. [Filing 311](#).¹ The United States Court of Appeals for the Eighth Circuit affirmed the Judgment in this case on August 15, 2022, [Filing 350](#), and the United States Supreme Court denied Simpson’s petition for a writ of certiorari on February 21, 2023. [Filing 354-1](#). Simpson subsequently filed a Motion to Vacate, Set Aside, or Correct Sentence pursuant to [28 U.S.C. § 255](#). [Filing 356](#). This Court received that § 2255 Motion on February 13, 2024 (*i.e.*, within one year of the date in which his petition for a writ of certiorari was denied). [Filing 356](#).

Along with his § 2255 Motion, Simpson also filed a Motion requesting an additional 45 days to file a supporting memorandum. [Filing 357](#). This Motion to Extend was received by the Court on February 13, 2024, as well. [Filing 357](#). Simpson contends that his § 2255 Motion asserts “complex issues” that require significant research and he “would have no objection to the Court not conducting the preliminary review required by Rule 4 of the Rules Governing 28 U.S.C. § 2255 Proceedings and/or not requiring the United States to file an Answer . . . until the Memorandum [is] filed.” [Filing 357 at 2](#).

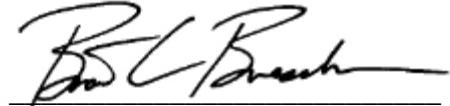
¹ Simpson was sentenced to life imprisonment on both counts, to run concurrently with one another.

Because Simpson is proceeding *pro se*, his § 2255 Motion was timely filed, and he articulates three specific grounds for relief in his § 2255 Motion, *see Filing 356 at 4–8*, the Court will permit him to provide a supplemental memorandum in support of his § 2255 Motion.² The Court will also grant Simpson the 45 days he requests in order to submit this Memorandum. *See Filing 357.* Consistent with Simpson’s express acquiescence, the Court will defer its review under Rule 4 of the Rules Governing Section 2255 Proceedings for the United States District Courts until after it has received Simpson’s Memorandum or the deadline for submitting the Memorandum expires, whichever comes first. The Court will then decide whether it is appropriate to order the United States to respond to any or all of Simpson’s grounds for relief. Accordingly,

IT IS ORDERED: Simpson’s “Motion Seeking Extension of Time in Which to File Memorandum in Support of 28 U.S.C. § 2255 Motion,” *Filing 357*, is granted. Simpson shall have forty-five (45) days from the date of this Order to file a Memorandum in Support of his *28 U.S.C. § 2255* Motion.

Dated this 20th day of February, 2024.

BY THE COURT:



Brian C. Buescher
United States District Judge

² The Court concludes that this course of action is appropriate because Simpson filed his § 2255 Motion using the template AO 243 document, and this form specifically instructs *pro se* petitioners to “not argue or cite law” in reciting the factual basis supporting their claim. *See Filing 356 at 4.* Allowing Simpson to provide a supplemental memorandum articulating the legal bases for the claims he asserts in his § 2255 Motion will better inform the Court’s Rule 4 analysis.